IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.833 OF 2005
IN
CRIMINAL COMPLAINT NO.795 OF 2005

Shri.Anil alias Sunil
Tukaram Sawant and Ors. ..Petitioners

Vs.

Vandana Anil Savant
& Anr. ..Respondents

...
Mr.Abhijit Sarwat for Petitioners
Mr.V.B.Tapkir for Respnodent no.1
Mr.Rajesh More, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 7,2005

P.C.

1. Heard the learned advocate for the petitioners, learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of complaint i.e. RCC No.795/2004 which is pending

before the learned Judicial Magistrate, F.C. (Court No.2) Pune. In the said case, the process has been issued against the petitioners under Section 500 of IPC. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the petitioners is set aside, the proceedings in respect of the petitioners, would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my opinion, it is clear that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned

Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within five weeks from today. In view of the statement, the trial Court shall not proceed with the trial for a period of five weeks from today. The learned advocate for the respondent-original complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]